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SESSION

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16. ABSTRACT

These panelists talked about their State agencies that are directly concerned with the Toxic Substances Control Act. They stated their concerns about the Act, specifically dealing with its repercussions, funding, and potential problems in putting the Act into effect and enforcing it.

Those speaking represented the States of Michigan, Wisconsin, Illinois, as well as the U.S. Environmental Protection Agency, Region V.

A brief period of questions and answers followed the panelists' comments.

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PRESENT:

MR. JOHN HESSE, Michigan Department of Natural Resources, Chairman

MR. STANTON KLEINART , Wisconsin Department of Natural Resources

MR. WARREN MILLER, Illinois Environmental Protection Agency

MR. ROBERT DUPREY, U.S. EPA, Region V.

MR. HESSE: Well, we will get started here.

Welcome to the State Role/ State Activities Session of the public meeting on toxic substance control.

My name is John Hesse and I am Chief of Michigan's Office of Toxic Materials Control within the Michigan Department of Natural Resources. This is a new office created just a couple of months ago. It's indicative of the move toward toxic materials control -- or intensification in this area. Our office primarily is responsible for coordinating our department's activities within the Department, and also acting as liaison between other State agencies in Michigan and the Federal Government.

I will be chairing this afternoon's session -- I'd first like to have each of the other panel members introduce themselves and identify their respective agencies and positions within these agencies, starting out to my left.

MR. KLEINART: I am Stan Kleinart. I am Chief of the Surveillance Section with the Wisconsin Department of Natural Resources in Madison and I work in the area of pesticide

regulation; toxic substances and monitoring.

MR. MILLER: I am Warren Miller, Assistant to the Director for Policy Planning of the Illinois EPA. I am here substituting for Michael Mauzy, Manager of Departmental programs.

MR. DUPREY: I am Bob Duprey. I am with the U.S. EPA in Chicago. I am Director of the Air and Hazardous Materials, that has responsibility in the region, although it appears throughout our regional structure.

MR. HESSE: Thank you.

Bob, does our session go to 2:45 as scheduled, or since we started a little late, to we go 'til 3:00?

MR. DUPREY: I think we could run over a little. But I would try to make up the time, if it's possible.

MR. HESSE: We have got about an hour and a half. I just want to mention that we in the States feel that the Toxic Substances Control Act referred to as TSCA is a very complex Act. It is very hard for Michigan and probably the other States at this point to judge how the Act affects our programs. Perhaps the most effective

way to proceed today would be for each panel member to take about ten or fifteen minutes to briefly describe his agency's current toxic material regulatory activities and to speculate if possible how he feels TSCA may change these activities. The remaining time can be spent, then, in pursuing in more detail the States' activities relative to TSCA by interchange between the panel members and through questions or comments through the audience.

I would ask that the persons wishing to speak step up to the microphone, identify themselves, and address any panel member who they wish to have respond.

After the coffee break, we are supposed to meet in a joint session with the other group and we will have a chance to hear a summary of what is going on at their session at that time.

Perhaps we can start with Stan Kleinarth with the Wisconsin Department of Natural Resources.

MR. KLEINART : Thank you, John.

Governor Lucy has designated the

Wisconsin Department of Natural Resources as the lead agency to work with EPA in matters that concern the Toxic Substances Control Act.

The major thrust of our programs in Wisconsin to date has concerned investigation of contaminants such as mercury and PCB's which accumulate in fish and other animals.

Since 1966, we have tested more than 4,000 fish and wildlife tissue samples for PCB's, mercury, pesticides and other toxic substances. Our monitoring has pinpointed problems and has led to State legislation governing the use of pesticides, tighter restriction on the use and discharge of mercury compounds, and regulation governing the sale and the use of PCB's.

The State PCB law became effective in June of 1976. The law states that PCB's or products containing them may not be manufactured or purchased for use within the State after July 1 of this year. PCB is used as dielectric fluids in closed electrical systems, those in waste papers, and those used in testing and experimentation are exempted from our law.

The law also requires that the Department of Natural Resources on or before July 1, '77, adopt rules describing the methods and providing or designating sites or facilities for disposal of PCB's. This is the same deadline that EPA is under, under the national law, July 1 of '77, to come up with disposal regulations.

The Department has developed rules for disposal of PCB's, which we will take to public hearing this month. The proposed regulations also require that electrical equipment containing more than two pounds of PCB's be properly labeled. In developing our State program to regulate PCB's, we will track as closely as possible with the Federal regulations now being developed by EPA.

One of the problems that we have so far in tracking with the Federal regulations is we are a few months ahead of EPA, we are under the same deadline by State Statute, and we have not seen the Federal regulations as yet. But, we are going to study them closely when they come out and we will try to adjust our own

regulations to be consistent with the Federal.

We have conducted surveys of utilities in the State and selected industries to obtain estimates of the quantity of PCB's remaining in use in the State. We estimate that more than five million pounds of PCB's remain in use with no more than 97 percent of the total in capacitors and transformers, and less than 3 percent in carbonless copy papers, hydraulic fluids, heat transfer fluids, and other applications.

A first step in administering regulations for the disposal of PCB's will require visits to those facilities in the State with transformers and capacitors containing more than two pounds of PCB's to see that the equipment is properly labeled. This will be followed by a surveillance program to insure that the PCB's are properly disposed.

Beyond the current issue of resolving the PCB problem, much work will be required in the future. State programs are mentioned in Section 28 of the Toxic Substances Control Act, and there is a provision for grants

to the States up to 75 percent of program costs for the establishment and operation of programs to prevent or eliminate unreasonable toxic substances risks within the State to health or the environment.

The amount budgeted for this purpose is a million and a half dollars per year through September of '75. This reduces to a potential funding for Wisconsin on a population proportional basis of only $30,000 per year for three years.

Section 28 also requires the States to submit applications for projects for which funding is requested. Through the Bureaus and District Offices, the Department of Natural Resources has daily contact with the industries and municipalities of the State. The Department's programs include the discharge permit program, an annual air and water monitoring feed program for industrial wastes and toxic and hazardous substances, a hazardous waste management and disposal program, and a spill prevention and response program for spills of oil and hazardous substances.

The Department has the technical support of the State Laboratory of Hygiene and our files are organized by standard industrialized code number and we have the capability to quickly identify users of various toxic substances.

We would like to add a person or persons to our staff to work full-time on toxic substances control matters. This would include liaison with EPA, a review of the scientific literature, and a coordination of field work with the District staff. Our first priority in this program would be to take a closer look at specific toxic substances which have been cited as potential problems to health or the environment and are used by the major industrial groups in the State.

We believe that Wisconsin can develop a meaningful toxic substances control program complementary to the national effort by EPA under the Toxic Substances Control Act, and we are planning to apply for funding under Section 28 of the Act.

Thank you.

MR. HESSE: Thank you, Stan.

Now, Warren Miller from Illinois EPA.

MR. MILLER: Thank you, John.

I am pleased to be here today to give you a brief overview of some of the Illinois programs which relate to toxic substances control.

I bring you apologies from Mike Mauzy who was scheduled to be on the panel. Mike is Manager of Environmental Programs of the Agency and is much more familiar with these programs than I. I will do the best I can, but I have been only peripherally involved in the programs we will be talking about this afternoon, and may have to plead ignorance or call on some of the staff from our Agency who are here in the audience today, I assume hoping not to participate.

For those of you who are not familiar with the intricacies of Illinois State Government, the Illinois EPA was established in 1970 as one of three State agencies responsible for the State's environmental program. The other two are the Pollution Control Board, which I will try not to refer to as PCB.

The Board establishes environmental

control standards and regulations and hears and decides enforcement cases brought before it regarding violations of its regulations, and the Institute for Environmental Quality, which coordinates and funds studies and research on environmental problems and programs in the State.

The EPA, which I represent, is the administrative arm of the State environmental program, which includes responsibility for air, water, land, and noise pollution control and also public water supply regulations.

In many respects, the existing State air and water pollution control programs are toxic substances control programs, in that many of the pollutants regulated are controlled because of their toxicity, either to man or to organisms in his environment.

For example, the 1972 Pollution Control Board's Water Quality Standards require that all waters of the State be free from "matter in concentrations or combinations toxic or harmful to human, animal, plant or aquatic life, of other than natural origin."

The regulation further states that

"Any substance toxic to aquatic life shall not exceed one-tenth of the 48-hour median tolerance limit for native fish or essential fish food organisms."

While these requirements address only acute toxicity levels, the Agency is examining alternative approaches to toxics, to make the standards more responsive to the problems caused by exposure to sublethal, chronic toxicity levels and problems associated with bioaccumulation of persistent substances.

Bioaccumulation effects were considered in establishing the numerical limits for substances such as lead and mercury when the Pollution Control Board regulations were adopted in 1972.

It is also worth noting, I think, that many of the numerical water quality standards designed to protect aquatic species are more stringent than the State's public water supply requirements for these substances, which water supply requirements were based in large part on the recommendations of the U.S. Public Health Service for continual injunction.

In the air pollution area, the Federal National Emission Standards for Hazardous Air Pollutants, or NESHAPS, for mercury, beryllium, vinyl chloride, and asbestos, all recognize toxicity problems. And these standards were based on clinical and epidemeological studies which were used to determine acceptable ambient threshold levels on which the NESHAPS were based.

It's also worth noting in this program that NESHAPS are significantly more stringent than related OSHA standards for these substances. And it is designed to protect a more sensitive population and assume 24-hour exposure, not 8-hour exposure levels used by OSHA.

Over the last few years, Illinois has become increasingly sensitized to problems associated with the disposal of toxic and other hazardous wastes. You just heard my colleague from Wisconsin talk about PCB disposal, and I am sure John will talk about that subject as it relates to Michigan.

The Pollution Control Board's

Land Pollution Control Regulations have given us the authority to require extensive and detailed geologic and geohydrologic evaluation of sites and careful site development prior to permitting a new sanitary landfill anywhere in the State.

Also, special wastes, which I will be referring to today, including toxic and other hazardous wastes, cannot be disposed of in a permitted landfill unless special permission has been granted by the Agency in the form of a supplemental permit.

As effective as these programs have been in ensuring that disposal sites are located, designed and operated in environmentally satisfactory ways, we are not confident that we or the landfill operators can control adequately the material that is disposed of. For example, in several instances, operating personnel from landfills have been killed from explosions from mislabeled or inadequately labeled materials implaced without the knowledge of the site owner/ operator.

The Agency has proposed to the

Pollution Control Board new special waste hauling regulations. As substantive hearings have not been completed and an economic impact assessment has not yet been prepared, we are probably a number of months away from adoption of these regulations.

As proposed, they would establish a permitting system for special waste haulers; procedures for the inspection and registration of vehicles and tanks used to haul special wastes, including toxics. Bills of lading and other records would be required for the special waste source; the hauler and the ultimate disposer, hopefully to ensure that all hazardous and toxic wastes are properly disposed of.

The fourth area of State involvement relates to the manufacture, transportation, storage and use of toxic and hazardous substances.

We hope that within the next few months the Pollution Control Board will complete action on regulations proposed to improve the response capability of industry, local and State public safety, and environmental control officials to toxic substances emergencies.

These regulations, as currently proposed, would require fixed facilities, not transportation, which meant are involved in the manufacture, use, or storage of large quantities of toxic substances -- there are, parenthetically, almost three hundred individual substances on that list -- to do a number of things, including preparing emergency plans for the materials under their control, maintaining an inventory of toxic substances on hand, maintain a chemical safety data sheet on each substance, determine the location of material and equipment that would be available to mitigate spills, determine the location of air or water monitoring equipment, be subject to inspection by our Agency, contact the State in cases of spills and submit written reports following them, and register and have chemical safety data sheets and emergency plans that are approved by IEPA.

The value, I think, of this is pointed out by a survey which was recently conducted at the State's request by a Joint State Industry Task Force, which found that over 50 percent of the fixed industries in Illinois

which have substances that are on the regulated list maintain no inventory of the toxics in their control, and over 80 percent of the industries have no established emergency procedures in the cases of accidents.

This is what we hope we can get control of and get implemented in Illinois through the Toxic Substances regulation.

An additional program has been started in Illinois as a result of legislative action last year which would require the State to adopt the Federal Hazardous Materials Placarding regulations promulgated by the U.S. Department of Transportation under the Hazardous Materials Transportation Act and to require the placarding of equipment and facilities for use, transportation, storage and manufacture of them. This Act also firmed up the reporting and emergency response responsibilities for both Governmental agencies and industries. There are a total of eight agencies involved and a Review Board headed by the State Emergency Services and Disaster Agency.

As I think, these comments indicate

our basic concern is over keeping some sort of control over toxic substances that are floating around the State. And Illinois, as you know, is a very industrialized State. We are concerned that they do not get into the environment or in cases where because of accidents or episodes they do get into the environment, that the State as a whole, including State Government, industry and any other responsible official, have the knowledge and wherewithall to deal rapidly and effectively with them.

There are a number of other programs going on in Illinois which provide invaluable information to us and to other regulatory agencies in assisting these problems; work by the State Department of Conservation and the State Natural History Survey on aquatic organisms in the State, supplemented by our own biological monitoring staff in the State Division of Water Pollution Control, and of course, there are many of the other programs that are at least essentially required by U.S. EPA, such as oil spill prevention and control.

MR. HESSE: You may wonder why I am writing

so quickly. I have been asked to summarize -- to present a summary right after the coffee break. And I don't know how I'm going to be able to do that.

Well, it's really difficult to figure out how much depth to try to go into a situation like this in describing the State's air toxic control program. Michigan's problems are very much like Wisconsin's and Illinois', it sounds like.

I have picked out just a few to touch on briefly that might be of interest.

The most basic program in Michigan is the MPDES Permit Program, the Natural Discharge Elimination System. Michigan was one of the first States in the Great Lakes area given this authority under Public Law 92-500. Under this program, effluent limitations have been established for certain toxic materials and other parameters for all of our major water dischargers to check on permit compliance under this program. We have self-monitoring requirements. In addition to that, though, Michigan conducts on-site 24-hour and 48-hour point source industrial

surveys measuring the chemical content of the water as compared to the permit limitations. We also have on-site 96-hour bioassays to measure the actual toxicity of the waste discharge.

All of this information goes together to determine compliance and possibly the use towards permit revisions if the permit revisions aren't good enough.

Also basic to our existing program -- and we will -- and something that will play an even more important role in the future, has been the creation and application of a Critical Materials Register in Michigan. This Register was created in 1971 pursuant to Michigan's Act 245. And it requires every person doing business within the State who discharges waste waters in addition to sanitary sewage to file Annual Reports indicating quantity of materials on the Register used in and incidental to the manufacturing process. It also requires quantities of materials discharged.

Now, the original list contained about forty-two specific compounds and twenty-seven classes of compounds meeting certain

criteria. At that time -- I hate to report -- that we weren't really sure how that list was to be used, and therefore we have some problems that have developed in the list. This is why things like this have to be revised frequently. And I will get into that briefly.

But anyway, knowledge required in the annual reports of these materials being used sometimes will result in a new permit restriction on the amounts that can be discharged, secondly, knowledge of the use of these critical materials at a certain location alerts our surveillance and monitoring teams to analyze for these same materials in the effluent and also in the adjacent receiving water areas when surveys are run. And sometimes, we look for actual or possible effects on fish or stream life. Finally, when these materials are used in a particular location, the person or company must prepare and implement a Pollution Incident and Prevention Plan, commonly referred to as PIPP or pip. This is an action plan to ensure proper storage, use, and treatment of the material, plus a contingency plan outlining what

will be done in case of an emergency loss to prevent the material from contaminating the water or other parts of the environment.

For extremely hazardous compounds, staff may request industry to conduct process evaluations to determine the potential for undetected discharge to occur. A register, in case of an emergency such as a fire, where toxic fumes may be emitted or surface or ground water seriously contaminated -- we have had a couple of these occur in the last couple of years and it really creates a problem. You get the fire out, put a lot of water on it, and of course the water becomes contaminated and we have got contaminated ground water or surface water. Sometimes it takes quite a while to figure out what was in that building when it caught on fire. So sometimes these invontories help.

We have provisions for annual updating of our register, like I mentioned, it hasn't been revised very extensively up until this year, and we are undertaking quite a program now to revise the list. It's going to be probably a major revision. It will likely contain many more

chemicals of high concern but fewer of the chemicals of lower concern. Some of the chemicals that we have on there that can cause problems on spill regulations but not of the type of PBB's or PCB's that bioaccumulate in the environment will be on our separate spill regulation list -- separate from the critical materials register.

We have a selection committee made up of people from industry, universities, and a State Agency staff. We are developing a screening model which takes into consideration factors including many of the same that are part of TSCA, carcinogenicity, mutagenicity, teratogenicity, acute and chronic toxicities to both mammals and aquatic life, environmental assistance, and bioaccumulation potential.

So, we are trying to zero in on chemicals that can sneak up on you. In other words, not the chemicals that are just dangerous in a spill situation, but the ones that are out there and will remain there for years and will be accumulating to levels that suddenly we discover are hazardous and it's too late to do

anything about it.

This Critical Materials Ledger is one of our State programs. It is one that we feel TSCA can play an important role as new chemicals are screened or more data becomes available on existing chemicals through the interagency priority listing. We will have an excellent basis, then, upon which to annually revise our register in future years. So, in this way, new chemicals of high concern can automatically be plugged into our State control programs.

Another Michigan program enacted by TSCA is our State PCB Control Act which will be going into effect April 1. I think Michigan has the first act to go into effect. That will be approximately one month from now.

Our bill immediately bans the use, manufacture and sale of PCB's in open-ended applications such as the hydraulic fluids, heat transfer systems, investment casting waxes, carbonless reproduction paper, paint and so on, if the concentration exceeds a thousand parts per million as of April 1, and then in January it will take in all of these products that contain

more than a hundred parts per million.

It allows the continued use of PCB's in electrical transformers and capacitors but places into effect specific reporting, labeling and disposal requirements for these continued uses.

Now, we have heard a number of people mention the way TSCA is addressing PCB's. It's on somewhat of a different schedule than Michigan's Act in this -- like for us -- like Wisconsin, it causes problems for us as well.

At this point, we are concerned somewhat about the preemption clause of TSCA under Section 18 which could nullify some of Michigan's control powers over PCB's unless we are given a special exclusion from the preemption. TSCA is to promulgate regulations on labeling and disposal by this July. Michigan's Act, as I said, goes into effect in April, so at this point we don't have any idea yet how much in conflict we will be with TSCA in regard to labeling and disposal requirements. So, this is something we are anxiously awaiting.

In January of 1978, TSCA prohibits

the manufacture, sale and use and distribution and commerce of PCB's in open-ended systems. But, we note that provisions exist for exemptions under certain conditions. In other words, some of these uses other than totally closed applications may be exempted. Now, I don't know what happens if these are exempted on a Federal level, but we banned them in Michigan. I assume that our Act, since more stringent, would take precedence.

Some of these are questions that we are wondering about. We are pleased that the Toxic Substances Control Act is going to be banning the distribution of PCB's as early as July of 1979. Michigan has left this kind of up in the air in terms of how to handle the electrical applications. We have the capacity to remove our exemption on the transformers and capacitors once there are adequate substances found available.

I think this maybe becomes academic with the announcement of Monsanto Chemical Company, the sole manufacturer in the United States, that they will stop further sales

and distribution of PCB's by October of this year. So, this is welcome news to us.

Well, some of the other activities in Michigan dealing with toxic substances include our water quality standards. We have had them in effect for a number of years and are currently revising them.

At this point in time, we are also developing for the first time ground water quality standards which are fairly specific in terms of nondegradation clauses. For instance, we are drafting at this point industrial and municipal sludge disposal guidelines. We have a large sludgedisposal problem as probably all States do. What do you do with this stuff? Can it be used to an advantage, or do we have so many problems with toxic materials in this that they cannot be used safely in agricultural land? So, we are developing guidelines on this.

We license liquid and solid waste haulers, and also the disposal facilities, including the incinerators and landfill sites.

Like Illinois, Michigan has a special clause in their Solid Waste Management

Act that says that disposal of toxic waste have to have special approval. We have included toxic material programs or parameters in many of our monitoring programs, as much as our laboratory capabilities can support. And this seems to be our bottleneck at this point. We are involved in testing of Great Lakes fish, we are looking at inland waters as well; fish tissue for toxic material parameters and like Wisconsin, we have been looking at a lot of mercury and PCB's, heavy metals and many other contaminants.

The reason we can't get into the analysis of many other possible contaminants at this point is simply we don't have the laboratory capabilities. We'd like to get to look at some of these exotic organic chemicals that we suspect might be long-term but long lived chemicals in the environment.

A fairly new program which we are rather proud of is our 24-hour Pollution Emergency Alert System, commonly referred to as PEAS. This provides a telephone number that citizens or industries or anyone can call

any time to report pollution instances. This activates the logging communication and response effort by appropriate staff, no matter whether it involves air, water or land. The program is working well and is frequently used. We have averaged about 45 calls a week on this system. We trade off responsibilities on this and work -- or have the beeper system with us 24 hours a day.

Well, so far I have been talking primarily about the Department of Natural Resources' programs. Of course, we have other State agencies dealing in the area of toxic material problems as well. This includes our Department of Agriculture, Consumer Protection Bureau, who enforces the Food and Drug Administration guidelines on food. The Agriculture Department also has the pesticide control responsibilities.

The Department of Public Health, they have several programs, I will mention just some of them. One is the Michigan Occupational and Safety and Health Programs. They have epidemiological studies underway on PCB's in

humans and PBB's in humans, and we have drinking water standards under the Department of Public Health and so on.

Dealing with this many programs and even more, Michigan has not in the past been able to prevent all toxic material problems incapacities from occurring, and I doubt if we ever will be able to stop them all. Certainly human error does enter into play; sometimes it makes it unavoidable.

Certainly, PBB's and PCB's and mercury problems in the past six years exemplify this. We too often have had to spend all of our time and resources putting out fires rather than preventing them. This is why we support the effective implementation of TSCA and we are looking forward to cooperating with EPA on its implementation.

One new development in Michigan, the last thing I want to mention, is a bill which has just been introduced in Michigan to create a Toxic Substance Control Commission. And this Commission is designed to help coordinate our various State agency programs and to help us

respond more adequately and quickly to environmental emergencies.

I think this concept is being fairly well received and will probably be passed in some form. TSCA should provide a good tool for use by this proposed State Commission.

I think that's all the comments I want to make about Michigan's programs at this time. I want to open up the session for questions.

Perhaps we should start with any comments of any of the panel members -- comments that the panel members might have for each other, and then ask for questions and comments from the audience.

Remember, please identify yourself prior to your comments.

Just to start off, I have a question for Mr. Duprey regarding the likelihood of the States already having PCB regulations -- and this includes Minnesota, Indiana, and Michigan -- of being excluded from the preemption under Section 18, if there is a clause that says we may be excluded on application, perhaps?

considered: one being the funding of some minimal State programs in those States that have programs, which would mean a fairly small amount of money -- I think it was pointed out some $30,000 for Wisconsin.

The other approach is more of a project-oriented one, and that is to fund demonstrations of particular work areas. I'm not exactly sure what that means, but I think some discussion of that would be useful.

And also, I had listed one other issue I thought might be useful in hearing your present remarks, and that is some way perhaps if we have similar regulations in an area, it would seem to me the idea of working out enforcement ideas or enforcement delegations or something like this perhaps should be thought of, where we are not duplicating each other in implementation of requirements which are similar.

MR. HESSE: Okay. I will take the last one first. We, too, are a little concerned that we may end up doing a lot of duplication of efforts between EPA and Michigan. This was one of my main concerns when I saw the wording

in our Act or bill that has just been introduced to create their toxic substances commission because they were talking about making inventories of toxic chemicals being used within the State. And I think you know when we have that capability already available through TSCA that we should use that without trying to do it all ourselves over again.

I am sure these kinds of agreements could be worked out, at least between Michigan and EPA, and I imagine the other States.

The grant program, we are looking at that money with interest. We are anxious to find out what kind of programs you actually may fund; we are thinking in terms of monies available for possible cleanup of problems that are already in existence. We are wondering if that is possible.

We are thinking also of money to help us implement like the PCB Control Act, where ours go on a little beyond what the TSCA goes in terms of reporting requirements, I think we can generate a lot of information that could be useful to the Federal Government in further

implementing the PCB regulations, because we will be having an inventory of usage in capacitors and transformers documented very soon.

I think that is all the comments I had.

Would either of the other two gentlemen like to comment?

MR. MILLER: The answer on implementation and State role from Illinois is fairly nebulous at this point. The Governor has not yet designated an agency to assume State responsibility or authority under the Toxic Substances Control Act. I am not even -- as you know, we do have a new Governor, and he has a lot of things on his mind. I'm not sure whether it's been presented to him in the form of an issue for his decision at this time.

I assume there are logically a number of candidates. I know for a fact that there is some feeling around the State that we are probably the more logical agency to do it. I do not know whether a recommendation has been made.

In terms of the grants program, I would think that our feeling would be -- or the feeling of any agency -- is let's see what the requirements and restrictions are and see how usable it is. It is a pretty small amount of money. And frankly, if this program gets tied up as badly as some of the other grant programs that your agency runs, it may not be worth it.

With respect to coordination, I'd like to toss that back after Stan Kleinart has a chance to comment and ask you for some reaction on what seems to me on the basis of very limited knowledge, some conflicts or jockeying between your agency and the U.S. DOT with respect to control of toxic substances in interstate commerce with respect to placarding and emergency requirements and the like.

MR. KLEINART: I would like to say again that I think the States have a role to play in toxic substances regulations. In fact, the thought that has already been brought out is that most of our programs in essence are toxic substances programs, whether you talk about the discharge and permit program or the air

monitoring or disposal of hazardous wastes or what have you. To the Toxic Substances Control Act, these are just being carried a step further, and you have regulations that can be applied at the source, at the point of manufacture and distribution.

I think the idea of working agreements, both for investigation and enforcement between the State and EPA is a good idea, because we do have the personnel and place. And we do deal with the industries and the municipalities on a day-by-day basis. We are at the scene; we are closer to the problems.

As far as funding, every little bit helps. As you know, the amount is small. I would favor grants rather than specific project funding because we have these activities going on now. They could be expanded. I think -- I would like the freedom to not be held to one particular thing in this area, but the freedom and the flexibility to look at a number of problems.

MR. HESSE: Do you have another comment?

MR. DUPREY: I was just going to react to

the point made regarding our coordination with the Department of Transportation. I am not really totally familiar with the situation, but I am aware that the Department of Transportation does regulate interstate transport of hazardous materials. And my understanding is that we are cooperating with them in terms of working those requirements that are already in existence in with the new Toxic Substances Control Act.

The Act does present, I think, numerous potential areas of conflict between Federal agencies and between Federal and State agencies because of the fact that it does cut across all their programs. The fact is that all environmental programs are in some way related to toxic substances.

I believe the Act itself makes a very strong point to require the Federal EPA to be aware of that and to see that coordination does occur. And it also seems to me that the kinds of regulations that will be coming out of the Toxic Substances Control Act will tend to be more not on the regulation of emissions or the regulations of effluent discharges, but more on

the side of the distribution in commerce of some new chemical and restrictions on its use or restrictions on its manufacture. At least to me, much like the pesticide requirements that I have to deal with under the FREFRA which have labeling and use restrictions placed on those chemicals. And I would expect those kind of restrictions would be the ones we are more apt to see. And I think PCB disposal and labeling provisions exemplify that. And I don't think you are going to see requirements come out of the Toxic Substances Control Act that would be replacing the effluent discharges that are in the Water Pollution Control Act, or try to do it through that.

I don't think you will see these kind of requirements.

MR. HESSE: Well, why don't we have some comments or questions from the floor now.

MR. HANEY: My name is Jim Haney (phonetic), and I [illegible]with the Burlington Paper Company in Wiscon[illegible]

If I understood you correctly, you said that under the Michigan Pollution

Discharge Elimination System, you have established effluent standards for some toxic materials. Could you tell us what those materials are, and what the standards are?

MR. HESSE: I don't know if I can get specific at this point or not. I was talking in generalities.

First of all, we look at the parameters and the guidelines from EPA and follow those guidelines as best we can. Well, this sometimes involves best practical treatments currently available, I guess. But, we have followed the policy that if the water quality base number would be more stringent, that we would go with the water quality base number system. Such as with the metals in a plating industry, we immediately consider levels that would be required for protection of aquatic life rather than best practical treatment, and strive for those.

In some situations, we have established parameters that are not on the guidelines -- Federal guidelines for the particular industry. This is -- a couple of cases that come

to mind would be involving some of the by-products of processes such as ACB and ACBD that we have found in some of the industries in Michigan, that we have to set limits on those of a corrective nature.

MR. HANEY: Particularly on PCB's, what limit have you put on effluent?

MR. HESSE: It's kind of nebulous at this point. I think in some permits it says zero. I think the guidelines say zero discharge. And I don't know what that really means. We have tried to go the route as slow as possible or kind of vague language on this. We have used -- I can give you some guidance that we have used for our enforcement people. We have got set priorities on PCB problems that are addressed. We have used a tenth of a part per billion as a level at which we will try to find out where the source is coming from in that particular industry. There will be some followup action on levels higher than ten parts per billion, but prior priority on one part per billion or more.

I think Mr. Wirth mentioned today the Federal PCB effluent standards under

307-A that have just recently come out. These are basically one part per billion, but they are established only for the manufacturers of capacitors and transformers or the original manufacturer of PCB. So, it doesn't address a single industry in Michigan. So, we have had to go with our own best guesstimate at this point. And we would like very much for 307-A to address very much more industries than just the manufacturers.

MR. HANEY: But just so I understand, have you set forth the various classes of industry that are regulated, and have you written in a PCB standard into their permits?

MR. HESSE: I believe it is in the power company -- utility company permits, a number of them, anyhow. I think we missed a number of them on the first draft.

Any other questions?

MR. SHAFNER: Jim Shafner (phonetic), Universal Oil Products Company.

Could you clarify for me the regulation on PCB's as to date at which they are supposed to be phased out? Does that mean

that they should be completely out of the use -- or out of use by that time, or does that mean that you cannot add any more to the system at that time? Just what does that date refer to?

MR. HESSE: You are talking about the Federal regulation?

MR. SHAFNER: The Federal regulation with regard to the phase-out of PCB's. I think it's 1979.

MR. DUPREY: Right. That's the manufacturer. That's in the law directly. In other words, it's one of the few instances where you see a legislative regulation which is -- directly prohibits manufacture after July, '79, I believe the date is.

MR. SHAFNER: So it has to do with manufacture and not use?

MR. DUPREY: That's right. Use and disposal restrictions and labeling and so on will be in accordance with the regulations that are being developed now which are due to be issued in July.

I think, though, that several of the State people mentioned that they have

similar requirements that deal with that right now or that are going into effect.

MR. KLEINART: Wisconsin law does not require taking equipment, let's say capacitors or transformers that contain PCB's out of service, but it says that when these units finally reach their useful life and are taken out of service, that they be properly disposed.

MR. HESSE: Michigan has the same approach on the closed systems.

It is my understanding that the Federal law in July of '79 also prohibits the distribution and commerce so that if the manufacturer is a storehouse of it, he can no longer distribute it after that date. So therefore, that will have to be substitutes starting to replace the transformer and capacitor fluids.

One of the other dates in the Federal Act was January of '78, where PCB's may not be manufactured, processed or distributed in commerce or used in any manner other than in a totally enclosed manner. Now, I have been kind of -- I have not known exactly what the Federal

definition of "totally enclosed," is, whether it does include anything other than transformer and capacitors.

Most of the State programs just include transformers and capacitors.

Can you answer that at all?

MR. DUPREY: No, I can't. But I think that is a good question for George Wirth. He is going to be presenting a presentation later in the day on PCB regulations. And he is responsible for that, directly.

MS. COLE: My name is Ruth Ann Cole --

MR. HESSE: Could you speak up just a little?

MS. COLE: Ruth Ann Cole with the Milwaukee Sewerage Commission. I have a question for Mr. Kleinart .

What is the role of the waste water treatment plants, since you have already mentioned in a municipal situation and so forth on land, it is going to be a problem. You are looking around you said particularly, Mr. Kleinart , for source identification of these toxic substances. Are you talking about the DNR

is going to do the work with the industry and so on and some of these discharges into the water and lead the other industries up to the identification and enforcement by the municipalities?

How are you going to treat waste water treatment plants in this respect?

MR. HESSE: The limitation of substances that are discharged to a sewage treatment plant would come under the pre-treatment standards of the Federal Water Pollution Control Amendments. We have an agreement with EPA on the discharge permits, and we would be working with them in the implementation of pre-standard treatments as well.

At this time there are no pre-treatment standards that are in effect. But they are being considered for certain discharges. So, the regulation would come through the pre-treatment standards.

MS. COLE: And not being responsible for the treatment, although it is required under the permit that we are required to monitor to some extent new industries and so on --

MR. KLEINART : I think the enforcement

of the pre-treatment standard would fall upon the municipality as well.

MR. HANSON: Bob Hanson from Northern Indiana Public Service Company.

Under State regulation, would industrial users of PCB's be required to develop a spill prevention control and counter-measure plans?

MR. HESSE: Under Michigan's law, yes, they would. Our existing regulations already require any chemical that is on our critical materials register to have a prevention plan filed for that chemical. In the past, this has not been interpreted -- the uses of PCB's in transformers and capacitors, for instance, has not been interpreted as actual use of a critical material. It's adjunctive to the actual manufacturing process and has often been overlooked by the industries.

With the new PCB requirements in Michigan, we are simply referencing that requirement and redefining use as any possession or use, even adjunctive, to the manufacturing process. So, we are requiring a PIPP plan.

MR. HANSON: Will the regulation -- will that include regulations on labeling and disposal? Will that be incorporated in such a plan, too?

MR. HESSE: Yes. One of the things that we say in our PCB rules is that a means -- a method has to be made or developed for identifying PCB's -- containing transformers and capacitors as compared to non-PCB containing transformers and capacitors.

This can be done by labeling of old equipment which the company chooses to. And we feel that we will make labels available if we knew what to put on those labels. We don't feel like making up several thousand labels if they are not going to be adequate by July.

We are waiting to see whether or not our labeling requirement will be essentially the same as EPA's. And then maybe we can make those available.

Some industries in those PIPP plans are saying "Okay, we will treat everything that isn't labeled as containing PCB's, and all of our new equipment, we will see that there is

a label on it that says it does not contain PCB's."

They are starting from now and labeling non-PCB products, and handling everything else as if they were PCB.

UNIDENTIFIED SPEAKER: John, I'd like to add to that. Don't wait for our labeling, go ahead.

MR. HESSE: I have a feeling that our labeling will be considered satisfactory, but I haven't seen any confirmation of that question.

MR. GOODMAN: Could I ask -- I'm sorry, Gordon Goodman.

And it's my impression, although I haven't studied the Act thoroughly, that State delegations are not specifically provided for in this case. And what I am asking is: is it your understanding that they are permitted by the Act, or would it take an amendment to actually confer some of the responsibility for enforcement to the State?

MR. DUPREY: When I raised the point, I was well aware that it wasn't provided for in the Act. I guess it comes about more from

two thoughts I have: One, in the pesticide area, I don't believe the delegations are specifically provided for in the Act, but we have worked out enforcement agreements of these requirements with some of the States. Under the provisions, I think, that deal with the authority, inspection and so on, I think the wording is "unduly authorized agents." And I believe the wording was similar in the Toxic Substances Control Act.

The other thing was just the fact of the matter, it seemed to me that since we do have certain States with requirements right on the same thing -- very same product and same type of requirement, that we do have a need -- if it's only informal -- to work out some method of administering these similar laws in a way which does not duplicate each other's efforts, given the fact that we are both dealing with the same clients and we both have limited resources to carry out our responsibilities.

So, I would think that we could at least on an informal basis work out agreements without legislative change. But, perhaps as we

go on, there ought to be more consideration given to whether the law does provide for sufficient flexibility to the Federal EPA in working with the State program.

MR. MILLER: When will all that come out in Washington in terms of what is feasible and what isn't?

MR. DUPREY: Well, in what sense, in terms of regulation? I am thinking more on the implementation of the regulation side on who does the inspections and so on in the State, who actually determines whether a product is meeting a certain requirement, and given the fact that it's a Federal regulation that is coming out, the normal course is for the Federal Government to assume it.

There are not delegation provisions as are in the Water Pollution Control Act and the Clean Air Act. But, my knowledge of the Pesticide Act, there aren't any in there either. And we do work out agreements there.

MR. HESSE: We have got about a half hour left. Are there any other questions?

MR. CURRY: My name is Curry (phonetic),

Environmental Quality Control in Indianapolis.

I was interested in this discussion relative to the State complementing the Federal effort. Number one, particularly from the standpoint of funding, from the standpoint of position. Mr. Kleinart , I think you referred to perhaps one or more people, is the way you were talking about it.

And Mr. Miller, you said something to the effect that you'd like to take a look at the funding and decide whether it was worth it or not.

MR. MILLER: If our agency is assigned the responsibility, and we don't know whether it would be --

MR. CURRY: I find difficulty with the situation -- is where the funding in fact would come from as far as the States are concerned. I mean, we were told in our joint meeting earlier, for example, that EPA will get some 260 positions as far as TSCA is concerned. And I think Mr. Coral is quoted as saying the fact to implement the bill properly would require thousands of people. Now, it's difficult for me -- I happen

to know, for example, as far as water pollution and air pollution efforts are concerned in most of the States, their workload is such they find it extremely difficult to take care of air and water pollution with their present positions and with their present funding.

So my question is, where are these additional positions and additional funding in fact coming from in order for the State to do a significant job from the standpoint of complementing the Federal end of it?

MR. KLEINART : Well, there is a Section 28 of the Act, a million and a half dollars per year to be divided among the States. For us, it's small, but it's something. For instance, we have people already committed to the PCB legislation and surveillance. We do other things. We monitor fish and wildlife. We have other programs that relate directly to the Act. Every dollar helps, even though the amount is very small.

MR. MILLER: I think -- if I may, it may be that the most valuable input that the States can make towards the administration of this program may be in sensitizing the State agencies

that might have information that would bear on toxic substances control to the need to get that information to the U.S. EPA enforcers of TSCA and get that which is developed through other programs like the Water Pollution Control Program or the NESHAPS program or investigation of fish and wildlife within the State, rather than taking on bureaucratic or administrative requirements under the Act.

MR. HESSE: Well, in Michigan I am sure that there is going to be a realignment of monies used in our agency more toward toxic material control. We are going to be putting a bigger share of our budget into this, even though we have a very small staff right now directly dealing with this. We have a number of programs that are supplementary or complementary to TSCA. But I do think that we will devote more of our monies to this task.

I am wondering -- a question for Mr. Duprey, if a State comes up with a toxic material problem involving a chemical not being regulated or proposed to be regulated under the list of fifty priority chemicals, what is the

procedure for petitioning to get inclusion of the chemical that we want to bring under control onto that list?

MR. DUPREY: I am not sure I can answer that. I haven't seen a procedure yet for doing that. I assume that -- I do know that when we put out the list, when the list comes out, that it will be published in the Federal Register and it will be an opportunity for the State to comment.

Ken, have you got --

MR. JOHNSON: The list of fifty for testing that has been submitted to us by interagency testing committees doesn't mean that the agency itself can develop on or compound beyond that or to take action. So if a State came to us and said, "We have information I think you can use on testing or regulations," -- then, we could add that to the list of fifty.

UNIDENTIFIED SPEAKER: I think also the thing is that in no way is the fifty a minimum limit.

MR. JOHNSON: The list of fifty is a priority list for testing.

MR. HESSE: Okay. If we have a chemical that we have already documented that is causing a problem; that is also unique to Michigan and doesn't come up again before EPA in any other way, it is up to us to prove that it's an eminent hazard to be handled under the Eminent Hazard Section of the Act?

MR. JOHNSON: I think in a case like that, if a problem is unique to Michigan, if Michigan can take care of the problem itself, really, by restrictions, in this case we'd -- obviously, we'd be more restrictive. And if they can show that there is not an undue adverse impact, then under Section 18 you can go ahead and carry out the responsibility or you can ask us, really, to apply a specific rule and we could, under the toxic rule and substance --

UNIDENTIFIED SPEAKER: For instance, in Indiana we had controlled pesticides for manufacture only in Indiana. We went to the Duluth lab to see what kind of levels are toxic, but that level put in a permit --

MR. JOHNSON: We are to look at other acts that -- Water Pollution Control Act, and apply

those first.

MR. HESSE: I realize that we have certain capabilities to handle the discharge or emission of certain toxic materials under existing acts. But if we feel that these will not solve the problem, if it's beyond that level of control, then maybe we would have to attack the manufacturing or banning of it.

MR. JOHNSON: That is what really the Toxic Substances Control Act is meant to do, it is to fill in the gaps where existing regulatory authority is not adequate.

MR. DUPREY: I might add, this is a place where I think the grant program in TSCA was probably primarily intended for -- reading the language of it, it seems to be on those problems where the Federal EPA is not putting any attention or effort into that, the Congress intended that these funds be primarily used for --

MR. JOHNSON: Obviously, the funds are small, and we have already had, from a couple of States, proposals for the use of funds.

One other point I'd like to make, the Office of Management and Budget under the

Ford Administration and under the new administration has asked of the agency to look at the possibility of combined grant funding, where a State would get a grant for the year covering all of its environmental programs, air, water, solid waste, toxic substances, and could use the funds with flexibility. Under the proposal that we are discussing, I think it's going to require perhaps a change in existing legislation and perhaps not -- I think a little bit more money is being added to the pot. So, you can get flexibility plus a little bit more money, so it might mean that if a State such as Wisconsin feels they should emphasize toxic substances more than, say, a water program, they could extend a little more. They wouldn't be limited by the million and a half that's available.

MR. HANEY: I'd like to touch on a topic that Mr. Johnson raised this morning about what you do with these toxic materials. I think the Act is probably designed to get a handle on new toxic substances and chemicals and perhaps that's long overdue.

The question that I am concerned

about is that there is a lot of it already out there and we have touched on PCB's as one example. All of you talked about your States coming up with disposal plans. Presumably, if you take PCB's out of the air and water emissions, you end up with them in something called solid waste, which we are, in some of our cities, building big recycling centers to turn it into energy and fuel for power generators and so on, presumably, if you don't burn it high enough, however, it's going to go out the smokestack again.

I guess my question is: As you address yourself to the disposal problem, what do your individual States perceive your role in either coming up with disposal technology to get rid of it once and for all, or at least granting some approval for suitable storage or landfill application.

It seems to me that most of the publicity that was generated by your agency is to get -- the Toxic Substances Control Act painted pretty big horror stories about how terrible this is.

Now, for example, if you had a bottle of PCB that you wanted to dispose of in the State of Wisconsin, you couldn't do it, because there is no place in the State that will accept it.

What are you doing to grant the disposal authority to the various States or within the various States?

In Wisconsin they tell us, by the way, to take it to Illinois.

MR. MILLER: That is correct. There is a special disposal area in Illinois at Sheffield that is a particularly well suited site; that is specifically designed to accept and to safely -- we're pretty sure -- dispose of a lot of very hazardous, very toxic material. There is another similar site in Illinois. I don't know whether that has been approved to accept PCB's.

This is obviously a very, very serious question. And it relates to the lady's question about municipal and industrial sludge disposal. Ultimately, for substances that are not quite so nasty to work with, I think waste reduction and reuse have got to be part of the

solution. You know, society cannot afford to keep dumping as much as we are now.

With respect to some of the substances that are so terribly, terribly hard to dispose of, we may end up land filling them for many, many more years. Obviously, it's got to be done safely. And there are States which don't have locations that are geologically acceptable to accept these wastes, those of us who do or feel that we do, I suppose, have got a responsibility to accept, if you will, foreign waste.

It's clearly a problem that can't stop at a State line any more than it can with respect to municipal refuse at the municipal or county line.

Yeah, it's a tough problem.

MR. DUPREY: I might mention at the same time the Toxic Substances Control Act was passed, Congress also adopted the Resource Conservation and Recovery Act which contains extensive provisions for dealing with disposal of hazardous waste.

We at one time considered possibly

combining the public meeting to deal with both of those Statutes at one time, which is rather difficult. But, we are going to have a public meeting on that Act on March the 21st of this month. And we will be dealing in some depth with hazardous waste disposal aspects. But I don't think there is any question that is probably one of the more serious problems in this whole thing.

There is a possibility of sites to dispose of this material, or recovery facilities instead of burial. And there needs to be something done about that.

MR. MILLER: I'd like to add a point, and then I am sorry, ladies and gentlemen, I'm going to have to roll to get an airplane -- in the work that we have done on the special waste hauling regulations and on the safeguarding of existing landfill sites, with respect to particularly noxious substances, I think we have been very pleased that the industry has been extremely cooperative in recognizing the problem and in bringing the problems that they have to our attention. I think there is a pretty good spirit

of cooperation in trying to find at least some acceptable stopgap measure to these very, very difficult problems.

The Resource and Conservation Recovery Act may help a great deal, but it's -- that one piece of law combined with TSCA isn't going to do it, I don't think.

MR. HESSE: We are concerned about the same problem in Michigan. We are concerned to the point that we want to learn more about what it takes for adequate disposal. We are going to tour some of these facilities next week in other States that are deemed to be adequate and see what it would take to get some design in Michigan.

We are looking at the Resource Recovery Conservation Act too in terms of coming up with a State plan for hazardous material control in this development of a State facility, maybe a portion of that plan --

MR. SHAFNER: I would like to ask a question about control. I noticed that they were singled out along with the PCB's -- I'm Jim Shafner -- and they are only mentioned as regards to their use in aerosols, as aerosol propellants. Yet

we know that their use as refrigerants is not as large but it is significant, about 25 or 30 percent, I think is the latest figure.

Is there any regulation or rule foreseen either from the State or from this toxic substances legislation through the EPA with regards to the sealing of refrigerated containers and with regards to recapturing and reusing or properly disposing of CFC's when air conditioning units are serviced and that sort of thing?

MR. DUPREY: You seem to be able to ask questions I can't answer. I would suggest that you ask that question of Mr. Wirth, on the PCB section that he is giving, because he is also quite familiar with the flurocarbon situation, and is responsible for developing those regulations.

I just don't know the answer.

MR. HESSE: There's a question back here?

MS. HALEY: My name is Joan Haley (phonetic), I am from the Chicago Lung Association. Of course, our main concern is that this stuff would get in the air.

This is a very naive question, but

we haven't gotten this far. If industry can make this stuff, PCB's or whatever these toxic substances are, why can't they take apart what they have put together and -- perhaps this is really more towards the industries -- but perhaps one of you gentlemen -- why can't we find some way of destroying it once we put it together instead of having to dispose of it? This is a problem we have with many other pollutants or by-products, so to speak.

MR. HESSE: I can't say very much on that, but they make these chemicals for certain characteristics that they want and sometimes the main characteristic that they are after is persistence so that it doesn't break down during use. And that is what is causing us our problems on destruction.

I don't have any other comment other than that.

MR. DUPREY: Well, at least in the Toxic Substances Control Act, as we move on, there is a possibility of a repurchase of items that are toxic.

There is in Section 6 regulatory

authority provisions for EPA to make requirements dealing with repurchasing and recall of products on the marketplace that are toxics. So at least in that respect I think there is a possibility in the future that there would be some burden by industry.

Of course, they will, under the Toxic Substances Control Act, have most of the burden of the testing costs involved, which are going to be quite substantial.

MR. HILL: There was mention made earlier by Mr. Duprey, I believe, that the Toxic Substances Control Act shouldn't replace NPDES permits.

Is it going to supplement them? That is, is anybody with a discharge permit that has some kind of a process, can they expect rather lengthy detail limitations?

MR. DUPREY: Well, only supplement. I don't think it will replace it all, only supplement it in a sense that if they are manufacturing a new chemical, for instance, that new chemical, for instance, could be subjected to the screening requirements under the Toxic Substances Control Act

in terms of testing that chemical before it's manufactured.

MR. HILL: How about industries other than the manufacturers?

MR. DUPREY: The reprocessing of a chemical and so on, also can be subjected to testing requirements, conceivably different uses that it's being put to. I don't believe the Act is restricted to just manufacturers, although if a chemical has been tested once thoroughly and that the test data and information available on its use is already restricted, I wouldn't expect that the second reuse of that would be subject to the same testing requirements.

MS. COLE: Is it possible, then, when you are saying that waste water treatment plant manufacturers are reprocessors in a manufactured product being sludge or solid waste -- that these plants would be subject to sampling or monitoring based on the same thing that a reprocessor or manufacturer of any of those chemicals will be?

MR. DUPREY: I might be getting in deeper here. It would seem to me that in case of the treatment plant, that what is going to be important

is the requirements under the Water Pollution Control Act and not the Toxic Substances Control Act in terms of discharges of these toxic chemicals because the Water Pollution Control Act and what is being done under Section 307-B is going to be regulating the discharge of toxic effluents directly. And that would seem to me to be the Statute that would be utilized in this instance.

Is that right?

MR. HESSE: Well, my watch says a quarter 'til. Maybe I'm a little fast, but I am a little concerned about my next task of having to summarize everything said. So unless there is some other burning question, let us adjourn this now.

(WHICH WERE ALL THE PROCEEDINGS HAD.)

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

NOREEN SULLIVAN, being first duly sworn, says that she is a court reporter doing business in the City of Chicago and that she reported in shorthand the proceedings had at the hearing of said cause, and that the foregoing is a true and correct transcript of her shorthand notes, so taken as aforesaid, and contains all the proceedings of said hearing.

Noreen Sullivan

SUBSCRIBED AND SWORN TO
before me this 16th day
of March, A.D., 1977.

Ramona Fromelt
Notary Public